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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,518	11/16/2001	William Fenical	6627-PA1022

**CONFIRMATION NO. 7755**  
**FORMALITIES LETTER**



\*OC00000007319835\*

Colleen J. McKiernan  
Brown Martin Haller & McClain  
1660 Union Street  
San Diego, CA 92101

Date Mailed: 01/17/2002

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*Abulcelil* *A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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+

Please type a plus sign (+) inside this box →

PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

	Application Number	60/249,356	
	Filing Date	11/16/2000	
	First Named Inventor	FENICAL, WILLIAM ET AL	
	Group Art Unit	1645	
	Examiner Name	UNKNOWN	
Total Number of Pages in This Submission	8	Attorney Docket Number	6627PA1022

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
		Copy of the return postcard stamped from the USPTO with disk; electronic copy of the seq. listing; copy of seq. listing; copy of stat. under 1.821(l)&(g)
<b>Remarks</b>  Copy of Notice Missing Parts		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Colleen J. McKieman
Signature	
Date	February 27, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	Melissa J. Leffler
Signature	
Date	February 27, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of )  
William FENICAL et al. ) FOR: MARINE ACTINOMYCETE TAXON  
Serial No.: 09/991,518 ) FOR DRUG AND FERMENTATION  
Filed: November 16, 2001 ) PRODUCT DISCOVERY  
                          ) Group  
                          ) Art Unit: 1645

**LETTER IN RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231  
Box Missing Part

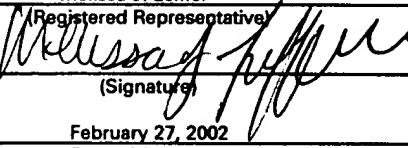
Dear Sir:

This letter is in response to the Notice to File Missing Parts of Application - Filing Date Granted, which was mailed by the Office on January 17, 2000.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents , Washington, D.C. 20231 on:

February 27, 2002  
(Mailing Date)

Melissa J. Leffler  
(Registered Representative)

  
(Signature)

February 27, 2002  
(Date of Signature)

This Notice states that no computer readable copy of the sequence listing was received. Enclosed please find:

1. A copy of the return postcard stamped by the United States Patent and Trademark Office with a 3.5" diskette listed.
2. An electronic copy of the sequence listing as submitted on diskette.
3. A paper copy of the sequence listing.
4. A copy of the statement under 1.821(f) and (g).
5. A copy of the Notice of Missing Parts.

The Applicants certify that the sequence listing is identical to that submitted with the initial filing. Therefore, the listing does not constitute new matter.

As the Notice was issued in error in regard to the sequence listing, the Applicants believe that no fee is required. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4070 referencing case no. 6627-PA1022. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Dated: February 27, 2002

By:   
Colleen J. McKiernan  
Agent for Applicant  
Registration No. 48,570

BROWN MARTIN HALLER & McCLAIN LLP  
1660 Union Street  
San Diego, California 92101  
Telephone: (619) 238-0999  
Facsimile: (619) 238-0062

Docket No.: 6627-PA1022

THE STAMP OF THE U.S. PATENT AND TRADEMARK OFFICE AFFIXED HERETO WILL BE  
EVIDENCE OF RECEIPT OF THE FOLLOWING (MAILED 11/16/01 BY Express Mail Label No.  
EL634293358US):

CLIENT #: 6627-PA1022 (CJM/mjl)  
ENCLOSURES: Transmittal Letter; Fee Transmittal; Oath and Declaration (3  
pgs.); Statement Under 37 C.F.R. section 1.82 (f) and (g) (1 pg.);  
Application (28 pgs.); 2 Drawings; Sequence Listing (1 pg.); 1  
3.5" diskette; Check in the amount of \$370.00; return postcard

APPLICANT: William FENICAL  
UNKNOWN - FILED: HEREWITH  
APPLICATION NO.: MARINE ACTINOMYCETE TAXON FOR DRUG AND  
FOR: FERMENTATION PRODUCT DISCOVERY

PLEASE STAMP HERE (THANK YOU):



j1046 U.S. PTO  
09/9915 8  
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